

~~COURTESY COPY~~

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JOANN CORSO,

Plaintiff,

11 CV 8602 (CS)

-against-

JUDGMENT

NEW YORK STATE DEPARTMENT OF CORRECTIONS  
AND COMMUNITY SUPERVISION and BRIAN FISCHER,  
in his official capacity as Commissioner, Department of  
Corrections and Community Supervision,

13-0345-WP

Defendants.  
-----X

WHEREAS, the parties having cross-moved for summary judgment on plaintiff's overbreadth claim (Count III of the Complaint) against Commissioner Brian Fischer in his official capacity and the matter having come before the Honorable Cathy Seibel, United States District Judge, and the Court, on October 22, 2013, having rendered its Opinion and Order denying defendants' motion for summary judgment and granting plaintiff's motion for summary judgment

WHEREAS, the Court, by a ruling from the bench on December 4, 2012, having previously granted in part and denied in part defendants' motion to dismiss resulting in dismissal of plaintiff's other claims (Counts I and II), as well as the claims against defendant New York State Department of Corrections and Community Supervision (DOCCS), it is hereby,

ORDERED, ADJUDGED AND DECREED: That, for the reasons stated in the Court's Order and Opinion dated October 22, 2013, defendants' motion for summary judgment on plaintiff's overbreadth claim (Count I) is DENIED and plaintiffs' motion for summary judgment on the overbreadth claim is GRANTED, and it is further,

ORDERED, ADJUDGED AND DECREED: That for the reasons stated in the Court's ruling from the bench dated December 4, 2012, defendants' motion to dismiss the complaint for failure to State a claim is GRANTED in part and DENIED in part and all other claims of plaintiff (Counts II and III) and all claims of plaintiff against DOCCS are hereby DISMISSED.

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ORDERED, ADJUDGED AND DECREED: That, defendant Brian Fischer, in his official capacity as Commissioner of the New York State Department of Corrections and Community Supervision, his successors in office and all others acting under his discretion or control, are hereby ENJOINED from investigating, enforcing, or reviewing any matter premised upon Section 52.18 of Title 7 of the New York Compilation of Codes, Rules, and Regulations or Section 2.15 of the DOCCS Employee Manual (as amended), to the extent that:

- (1) such investigation, enforcement, or review involves a perceived violation of subsection (b) of Section 2.15 by a DOCCS employee; and
- (2) the individual with whom such employee has allegedly engaged in a conversation, communication, dealing, transaction, association, or relationship is the employee's spouse, parent, sibling, child, person with whom the employee has a child in common, or other close family member,
- (3) except that nothing in this Order shall prohibit the investigation, enforcement, or review of any matter arising under any other subsection of Section 52.18 or Section 2.15 (as amended). Additionally, the requirement that DOCCS employees report to the appropriate DOCCS official any contact with an inmate, former inmate, parolee, or former parolee as described in Section 52.18 or Section 2.15 (as amended), even as to contact described in subsection (b) of Section 2.15 (as amended) and enjoined as to investigation, enforcement or review under parts (1) and (2) above, is unaffected by this Order.

ORDERED, ADJUDGED AND DECREED: That, pursuant to Fed. R. Civ. P. 54(d) and 28 U.S.C. § 1920, defendants are taxed, and are hereby ordered to pay, plaintiff's costs in the amount \$ \$600.00.

Dated: White Plains, New York  
November , 2013

  
Clerk of Court

CLERK

SO ORDERED:

Cathy Scibel 11/18/13  
Hon. Cathy Scibel, U.S.D.J.